

ORIGINAL

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FILED

DISTRICT COURT OF GUAM

NOV 21 2006 *nba*

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT

FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALBERT P. MENDIOLA, JR.,

Defendant.

CRIMINAL CASE NO. 05-00011

**GOVERNMENT'S RESPONSE TO
PRESENTENCE INVESTIGATION
REPORT; AND MOTION FOR
ADDITIONAL ONE-LEVEL
DEPARTURE FOR
ACCEPTANCE OF RESPONSIBILITY**

Comes now the United States and adopts the findings of the Presentence Investigation Report with the following notation:

The defendant has assisted authorities in the investigation and prosecution of his own misconduct by notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently. Thus, paragraph 44 correctly reflects that an additional one-level decrease for acceptance of responsibility under USSG § 3E1.1(b) is warranted.

1 Also, prior to the sentencing hearing, the government intends to file a downward departure
2 motion pursuant to USSG §5K1.1 and 18 U.S.C. § 3553(e).

3 Dated this 20th day of November 2006.

5 LEONARDO M. RAPADAS
6 United States Attorney
7 Districts of Guam and CNMI

8 By: 

MARIVIC P. DAVID
Assistant U.S. Attorney